

MT LEGISLATIVE HISTORY

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Chapter 597 19 83

Bill H _____ (S) 446

Original bill & hist. ____C

H. Committee on Human Services

S. Committee on Public Health, Welfare & Safety

Hearing Date(s) Mar 16 ✓ C

Hearing Date(s) Feb 18 ✓ C

Mar 21 ✓ C

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Date Out Mar 21 ✓ C

Feb 18 ✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

<u>SENATE</u> BILL NO.	<u>ENTERED</u> COMM.	<u>DATE</u> CONSIDERED	<u>OUT OF</u> COMM.	<u>DO PASS</u> <u>DATE</u>	<u>DO NOT</u> <u>PASS</u> <u>DATE</u>	<u>DO PASS</u> AS AMEND. <u>DATE</u>	<u>BE CON-</u> <u>CURRED IN</u> <u>DATE</u>	<u>BE CONC. IN</u> AS AMENDED <u>DATE</u>	<u>BE NOT CON-</u> <u>CURRED IN</u> <u>DATE</u>
SB 256	1-22	2-4,11	TABLED	ON 2-11-83					
SB 266	1-24	2-7,11	2-11			2-11			
SB 271	1-24	2-4,11	2-11		2-11, as amended				
SB 274	1-24	2-7,16,18	2-18		2-18				
SB 289	1-26	2-9,11	2-11		2-11				
SB 293	1-26	2-9,16,18	2-18			2-18			
SB 298	1-28	2-14	2-14	2-14					
SB 349	2-3	2-11	2-11	2-11					
SB 395	2-10	2-14	2-14		2-14				
SB 395	2-15	2-16	2-16	2-16					
SB 404	2-12	2-16	2-16	2-16					
SB 410	2-14	2-16,18	2-18			2-18			
SB 418	2-15	2-18	2-18			2-18			
SB 439	2-17	2-18	2-18	2-18					
SB 446	2-16	2-18	2-18	2-18					
SB 447	2-16	2-18	2-18			2-18			

Use a separate sheet for Senate, House Bills, and Resolutions.

PUBLIC HEALTH
PAGE TWO
FEBRUARY 18, 1983

John LaFaver, director of SRS, stood in support of the amendment to transfer the duties to the Department of Health from the Department of SRS. He explained the controversy and stated that it arose out of a lack of money. The last Legislature cut the money from \$150,000 to \$125,000. Everyone should look to the health aspect of the patient.

Senator Jacobson closed. She offered some ideas on the amendments and stated that she would have the staff attorney draw up some amendments to improve the bill. It is her intention that the people would be able to survive with the program and go back to the old rules.

The meeting was opened to a question and answer period from the Committee.

Senator Hims1 stated that the cost of dialysis in the hospitals today is scandalous. He then asked about the funding of this program. Medicare and Medicaid will still cover the same programs that they always have in the past. As to who is eligible, the department will develop rules as they have on the other programs.

Dr. John Drynan, director of the Department of Health, stated that they will establish criteria patterned much the same as the rules which are already in place for the other programs.

Senator Norman asked what is the appropriation for the next fiscal year. It will be \$125,000 the same as before.

Dr. Drynan stated that home dialysis will be promoted as much as possible in order to cut costs.

CONSIDERATION OF SENATE BILL 446: Senator Bill Thomas of Senate District 20, the chief sponsor of Senate Bill 446, gave a brief resume of the bill. This bill is an act clarifying and defining the services to be provided by personal-care facilities; establishing restrictions on eligibility for residency in such facilities; requiring that the Department of Health and Environmental Sciences establish by rule certain standards relating to resident admission and screening; providing for licensing of such facilities; providing for civil and criminal enforcement; clarifying the definition of "roominghouse" or "retirement home" to completely exclude nursing services.

PAGE THREE
PUBLIC HEALTH
FEBRUARY 18, 1983

Senator Thomas stated that this bill is the result of SJR 34 of last legislature. An interim study was held and hearings held in the 5 different areas of the state. He stated that the bill does need to be amended and they will try to do that on the floor of the Senate.

Judy Carlson, deputy director of SRS, stood in support of the bill. She stated that this bill established a residential personal care license category for adults. Current statutes only provide for institutional personal care in a nursing home or similar medical facility. This license will make possible the offering of personal care to persons not requiring nursing services, but needing some assistance beyond just board and housekeeping services. This bill provides for inspection and enforcement of the licensure requirements by the Department of Health. It also amends the "Roominghouse or Retirement Home" licensure law so that this license with less requirements and resident protection cannot be used to operate a personal care facility.

Rose Skoog, representing the Montana Health Care Association, stood in support of the bill.

Charles Banderob, representing the Montana Senior Citizens, stood in support of the bill. He stated that there is getting to be more and more senior citizens all the time and they need personal care. It seems that the Billings and Twin Bridges areas are the hardest hit by this.

Joyce Van Essick, representing the Montana Association of the Homes for the Aged, stood in support of the bill.

Lawrence Powers, representing the elderly of Montana and also the Montana People's Association and the Montana Senior Citizens, stood in support of the bill.

Shirley Thennis, representing the Montana Nurses Association, stood in support of the bill.

Jim Cordial, representing the Montana People's Association, stood in support of the bill. These people need personal care. He showed a sketch to the Committee of the Homes in Twin Bridges with plans to have a personal care building on the grounds. He urged the Committee to give this bill favorable consideration.

PUBLIC HEALTH
PAGE FOUR
FEBRUARY 18, 1983

Douglas Olson, representing the Montana Senior Advisory Council, stood in support of the bill. He stated that SB 446 goes along ways to clarify the different degrees of care in our state. Mr. Olson offered an amendment which would clarify a "Roominghouse" as only with rooms, and a "Boarding House" which would provide room and board.

With no further proponents, the Chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee. Hearing none, the hearing was closed by Senator Thomas. He thanked all the people who had helped serve during the interim to put this bill together. He urged the Committee to give the bill a DO PASS recommendation.

CONSIDERATION OF SENATE BILL 447: Senator Bill Norman of Senate District 47, the chief sponsor of Senate Bill 447, gave a brief resume of the bill. This bill is an act to provide for one-step licensing of certain facilities under the Departments of Health and Environmental Sciences and Social and Rehabilitation Services and Institutions.

Senator Norman stated that this bill would make the law better with its one-step licensing.

Judy Carlson, deputy director of the Department of Social and Rehabilitation Services, stood in support of the bill. She stated that this bill is good for the people, good for the providers and good for the state.

There were no more proponents or opponents to the bill. There were no questions from the Committee. Senator Norman closed asking the Committee for a favorable recommendation as it is a "good bill".

CONSIDERATION OF SENATE BILL 439: Senator Tom Hager of Senate District 30, chief sponsor of Senate Bill 439, gave a brief resume of the bill. This bill is an act to authorize counties to enact ordinances defining areas where alcoholic beverages may or may not be sold; removing the prohibition against the issuance of a retail alcoholic beverage license to a business located within 600 feet of a school or a church. This is the bill which was requested by the Committee.

A letter was read from Mae Nan Ellingson and Phil Strobe in support of the bill. They stated that this bill is an outstanding solution to a long standing problem.

PAGE FIVE
PUBLIC HEALTH
FEBRUARY 18, 1983

There were neither proponents nor opponents to the bill at the hearing.

DISPOSITION OF SENATE BILL 439: A motion was made by Senator Norman that Senate Bill 439 receive a DO PASS recommendation from the Committee. Motion carried unanimously.

DISPOSITION OF SENATE BILL 404: The bill sponsored by Senator Stephens is an act for the designation of area agencies for senior citizen services.

This bill was passed out of Committee on February 16, 1983 with a favorable recommendation, however, the statement of intent was not adopted.

A motion was made by Senator Jacobson that the statement of intent for Senate Bill 404 be adopted. Motion carried unanimously.

Because of lack of time the committee took a recess while the Senate is in session and will reconvene during the floor break.

DISPOSITION OF SENATE BILL 446: This is the bill sponsored by Senator Thomas which is an outgrowth of SJR 34 from last session.

A motion was made by Senator Hims1 that the Statement of Intent be adopted. Motion carried unanimously.

A motion was made by Senator Hims1 that Senate Bill 446 receive a DO PASS recommendation from the Committee. Motion carried unanimously.

DISPOSITION OF SENATE BILL 447: Senator Norman is the chief sponsor of SB 447. This bill is an act to provide for one-step licensing of certain facilities under the Departments of Health and Environmental Sciences, Social and Rehabilitation Services, and Institutions.

Woody Wright, staff attorney, read a prepared statement of intent. A motion was made by Senator Norman that the Statement of Intent be adopted. Motion carried unanimously.

Amendments were presented which Senator Norman stated would improve the bill. A motion was made by Senator Norman that Senate Bill 447 be amended as read. Motion carried unanimously.

PUBLIC HEALTH
PAGE EIGHT
FEBRUARY 18, 1983

A motion was made by Senator Hims1 that Senate Bill 274 receive a DO NOT PASS recommendation from the Committee. Motion carried. See the Roll Call Vote Sheet.

DISPOSITION OF SENATE BILL 446: Senator Bill Thomas is the chief sponsor of Senate Bill 446 which is an act clarifying and defining the services to be provided by personal care facilities; establishing restrictions on eligibility for residency in such facilities.

Amendments were presented to the Committee which Senator Thomas stated were in agreement with most everyone. Senator Thomas explained the three pages of amendments.

A motion was made by Senator Jacobson that the amendments be adopted to SB 446. Motion carried unanimously.

A motion was made by Senator Christiaens that SB 446 receive a DO PASS as amended recommendation from the Committee. Motion carried unanimously.

STATEMENT OF INTENT FOR SENATE BILL 418:

A motion was made by Senator Jacobson that the statement of intent for SB 418 be adopted. Motion carried.

RECONSIDER ACTIONS OF SENATE BILL 446:

A motion was made by Senator Marbut that the Committee reconsider its actions on Senate Bill 446. Motion carried unanimously.

Senator Marbut asked for a further explanation of the amendments. A motion was made by Senator Marbut that all of the proposed amendments to SB 446 be adopted. Motion failed with Senators Marbut and Jacobson voting "yes" and Senators Hims1 and Hager voting "no".

Senator Thomas stated that this bill is a very much needed piece of legislation as people are taking advantage of some of our senior citizens and this bill would help to prevent that from happening to them. However, this bill would not strangle those in the business of taking care of the elderly.

Senator Hims1 stated that he was not against the bill, but that he was against having so many many pages of amendments on a bill at such a late date.

PAGE NINE
PUBLIC HEALTH
FEBRUARY 18, 1983

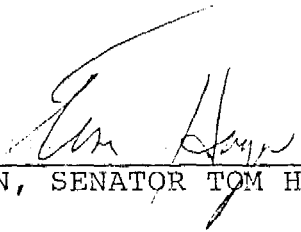
A motion was made by Senator Jacobson that Senate Bill 446 receive a DO PASS recommendation from the Committee. Motion carried.

A motion was made by Senator Jacobson that the statement of intent for SB 446 be adopted. Motion carried.

Senator Hager told Senator Thomas that he would visit with the Human Services Chairman in the House and ask that this bill be scheduled early in March for hearing so that the amendments could be worked into the bill.

Senator Thomas thanked the Committee for the patients and understanding with the bill.

ADJOURN: With no further business the meeting was adjourned.



CHAIRMAN, SENATOR TOM HAGER

eg

ROLL CALL

PUBLIC HEALTH, WELFARE, SAFETY COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/10

[illegible]

SUMMARY OF SENATE BILL 446

This bill establishes a residential personal care license category for adults. Current statutes only provide for institutional personal care in a nursing home or similar medical facility. This license will make possible the offering of personal care to persons not requiring nursing services, but needing some assistance beyond just board and housekeeping services.

This bill provides for inspection and enforcement of the licensure requirements by the Department of Health & Environmental Sciences. It also amends the "Roominghouse or Retirement Home" licensure law so that this license with less requirements and resident protection cannot be used to operate a personal care facility.

In order not to prevent permissible home health services in a Retirement Home, line 12, page 14 should be amended by adding "provided by the facility." Line 21 should also be amended to add "by the facility is".....

Also, lines 22, 23, and most of 24 on page 14 would not be deleted as in the proposed bill. The lines would read "Hotels, motels, boarding-houses, roominghouses or similar accommodations may not provide professional nursing services to residents."

On page 15, line 7 would be amended to add "and cannot be appropriately provided in that setting."

STATEMENT OF INTENT
SENATE BILL 446

Senate Bill 446 requires a statement of intent because section 3 requires the Department of Health and Environmental Sciences to adopt standards for operation and licensing of personal-care facilities, and license, inspection, and patient screening fees, and in cooperation with other state agencies to adopt health and safety standards for personal-care facilities. It is the intent of the Legislature that when the Department adopts rules to implement provisions of SB 446 that it utilize the report to the 48th legislature by the Legislative advisory committee on Joint Resolution 34 and that the rules:

1. assure that licensees meet applicable fire, sanitation, building, and service standards;
2. provide as expeditious a licensing procedure as possible;
3. set inspection and patient screening fees that recover but do not exceed the costs of inspection and patient screening; and
4. include other state agencies in the development of those rules which fall in their areas of expertise and responsibility.

AMENDMENTS TO SB 446

Page 1, line 7
Following: "by"
Insert: "Residential"

Page 1, line 14-15
Strike: "to completely exclude nursing services"

Page 1, line 19
Following: "Section 1."
Insert: "Residential"

Page 1, line 20
Following: "(1)A"
Insert: "residential"

Page 2, line 6
Following: "of a"
Insert: "residential"

Page 2, line 8
Following: line 7
Insert: "residential"

Page 2, line 9
Following: "Placement in"
Insert: "residential"

Page 2, line 10
Following: "(1)A"
Insert: "residential"

Page 2, line 20
Following: line 19
Insert: "residential"

Page 3, line 10
Following: "Licensing"
Insert: "residential"

Page 3, line 12
Following: "operation of"
Insert: "residential"

Page 3, line 16
Following: "types of"
Insert: "residential"

Page 4, line 4
Following: "residents of a"
Insert: "residential"

Page 4, line 23
Following: "revoke a"
Insert: "residential"

Page 10, line 12

Following: "skills"

Strike: "as provided in [sections 1 through 6]"

Insert: " which do not require nursing skills"

Page 10, line 15

Following: "motels,"

Strike: "boarding homes"

Page 13

Following line 9

Insert: "(32) 'Residential personal care facility' means a facility providing the services set forth in and subject to the provisions of [sections 1 through 6]"

Renumber subsequent subsections.

Page 14, line 12

Following: "basis"

Insert: "provided by the facility"

Page 14, line 22

Following: line 21

Insert: "or personal care services by the facility"

Page 14, line 22

Following: "prohibited."

Insert: "(1) Hotels, motels, boardinghouses, roominghouses, or similar accommodations may not provide professional nursing services or personal care."

Page 15, line 1

Following: "{2}"

Insert: "(2)"

Page 15, line 7

Following: "needed"

Insert: "and cannot be appropriately provided in that setting."

The following amendments, although not seen as being necessary to the bill, may be added:

Page 1, line 16

Following: "50-51-107,"

Insert: "50-51-201,"

Page 13, Line 17

Insert: "(2) "Boardinghouse" means buildings in which sleeping rooms are rented providing sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, and in which meals or central kitchens are provided for occupants and whose occupants do not receive professional nursing services or personal care services provided by the facility."

Renumber subsequent subsections of 50-51-102.

Page 14,

Strike: Lines 5 through 12 in their entirety

Insert: "(5) "Roominghouse" means buildings in which sleeping rooms are rented providing sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, where no meals or central kitchens are provided, and whose occupants do not receive professional nursing services or personal care services provided by the facility."

Amendments to H.B. 446 Suggested by Department of Social
and Rehabilitation Services

Amendment to Section 1(2)

Consistent with the provisions of (Section-a), a A
resident of a personal-care facility may have medical or
nursing-related services performed for him in a personal-
care facility by a third-party provider: if the resident
is a recipient of medical services, as provided for under
the authority of 53-6-111, and delivered by a home health
agency, as defined in 50-5-101(15) or who is a recipient of
medical services, as provided for under the authority of
53-6-111 and (HB 424).

Amendment to Section 3

(1) The department, in cooperation with the department of
social and rehabilitation services, shall by rule adopt
standards for licensing and operation of personal-care
facilities to implement the provisions of (sections 1
and 2).

Amendment to Section 3.

(4) The department may provide by rule for categories of
personal-care facilities differentiated by size and/or
level of care. The department may adopt differing standards
for these categories.

Amendment to Section 7 amending 50-5-101.

50-5-101(20) be amended on Page 9, line 25.
Following: "than"
Strike: "three"
Insert: "four"

STANDING COMMITTEE REPORT

FEBRUARY 18, 1983

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration SENATE Bill No. 446

Respectfully report as follows: That SENATE Bill No. 446,

Statement of Intent Attached

DO PASS

50-51-201. License required. (1) Each year, every person engaged in the business of conducting or operating a hotel, motel, tourist home, ~~retirement home~~, or roominghouse shall procure a license issued by the department.

(2) A separate license is required for each establishment; however, where more than one of each type of establishment is operated on the same premises and under the same management, only one license is required which shall enumerate on the certificate thereof the types of establishments licensed.

(3) Before a license may be issued by the department it must be validated by the local health officer, or if there is no local health officer the sanitarian, in the county where the establishment is located.

History: En. Sec. 3, Ch. 18, L. 1967; amd. Sec. 3, Ch. 485, L. 1973; R.C.M. 1947, 34-303(part); amd. Sec. 3, Ch. 200, L. 1979.

February 18 19 83

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

Statement of Intent
having had under consideration SENATE Bill No. 446Respectfully report as follows: That Statement of Intent, SENATE Bill No. 446
be adopted.

STATEMENT OF INTENT RE: SB 446

Senate Bill 446 requires a statement of intent because section 3 requires the Department of Health and Environmental Sciences to adopt standards for operation and licensing of personal-care facilities, and license, inspection, and patient screening fees, and in cooperation with other state agencies to adopt health and safety standards for personal-care facilities. It is the intent of the Legislature that when the Department adopts rules to implement provisions of SB446 that it utilize the report to the 43th Legislature by the Legislative advisory committee on Joint Resolution 34 and that the rules:

1. assure that licensees meet applicable fire, sanitation, building, and service standards;
2. provide as expeditious a licensing procedure as possible;

CONTINUED ON PAGE 2
DQPASSX

70

February 18 19 63

Senate Committee on Public Health, Welfare and Safety

Page 2

Senate Bill No. 446

3. set inspection and patient screening fees that recover but do not exceed the costs of inspection and patient screening; and
4. include other state agencies in the development of those rules which fall in their areas of expertise and responsibility.

FEBRUARY 18, 1992

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration SENATE Bill No. 446

Respectfully report as follows: That SENATE Bill No. 446,

Statement of Intent Attached

DO PASS

HUMAN SERVICES COMMITTEE

48th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
3 395	PROVIDING SPECIFIC AUTHORITY FOR THE DEPT. SRS AND DEPT. OF INST. TO CERTIFY PROFESSIONAL PERSONS SERVING DEVELOPMENTALLY DISABLED PERSONS; REQUIRING THE DEPTS. TO ADOPT RULES GOVERNING THAT CERTIFICATION	2-28	SMITH	3-14	BE CONCURRED IN	3-23
3 404	AN ACT FOR THE DESIGNATION OF AREA AGENCIES FOR SENIOR CITIZEN SERVICES	2-28	STEPHENS	3-14	BE CONCURRED IN	3-14
3 410	AN ACT TO GENERALLY REVISE AND CLARIFY LAWS RELATING TO LICENSURE OF CESSPOOL, SEPTIC TANK, AND PRIVY CLEANING BUSINESSES; ALLOWING THE DEPT. HEALTH AND ENV. SCIENCES TO ESTABLISH REQUIREMENTS BY RULE FOR DISPOSAL SITES AND INC. LICENSE FEE, et al	2-28	HALLIGAN	3-14	AND AS AMENDED BE CONCURRED IN	3-14
3 418	REPEALING ADMINISTRATIVE RULES OF DEPT. OF SRS IMPLEMENTING CHRONIC OR END-STAGE RENAL DISEASE TREATMENT PROGRAM AND CLARIFYING EXISTING RULEMAKING AUTHORITY FOR THOSE RULES	2-28	JACOBSEN	3-16	BE CONCURRED IN	3-16
3 446	AN ACT CLARIFYING AND FURTHER DEFINING THE SERVICES TO BE PROVIDED BY PERSONAL-CARE FACILITIES; ESTABLISHING RESTRICTIONS ON ELIGIBILITY FOR RESIDENCY IN SUCH FACILITIES; REQUIRING THAT DEPT. HEALTH AND ENV. SCIENCES EST. BY RULE ET AL	2-28	THOMAS	3-16	AND AS AMENDED BE CONCURRED IN	3-21
3 447	TO PROVIDE FOR ONE-STEP LICENSING OF CERTAIN FACILITIES UNDER DEPTS. OF HEALTH AND ENV. SCIENCES, SRS, AND INSTITUTIONS	2-28	NORMAN	2-16	BE CONCURRED IN	3-16

SENATE BILL 446

SEN. THOMAS, sponsor. This bill expands the definition of "personal-care facility", establishes criteria for such facilities' residents, and provides for licensure of personal-care facilities. Currently, there are only provisions for institutional care for nursing homes and medical facilities. This legislation establishes rules and guidelines for inspection enforcement of the license requirement. Amendments were offered (EXHIBIT 1). With this amendment we are striking out the Department of Health and allowing the Department of Administration to determine and enforce building codes. The second group of amendments was more or less a consensus to take a fine tooth to the language so it was acceptable to the various groups of participants in the study. Everyone seemed to agree on these proposed amendments (EXHIBIT 2). There is a group of amendments that SRS is going to present and we are neutral on those.

PROPOSERS:

TOM RYAN, representing the Montana Senior Citizens Association and the Montana Peoples Association, said that when this bill becomes law, it will ensure the health and welfare of seniors and other individuals in personal care and other settings. Some seniors need care and would choose a level of care less intense than that provided by a nursing care facility. This bill will allow them to receive care in their homes or go to a facility of their choice (EXHIBIT 3). He supported this bill.

MAURICE POWERS, representing the Montana Senior Citizens Association and the Montana Peoples Association, said he would like to see this bill become law. He is concerned about the health and safety of people residing in health care centers (EXHIBIT 4).

NORMA VESTRE, Department of Social Rehabilitation Services, stated that the department strongly supports this legislation. When it is necessary for adults and seniors to be placed outside of their own homes, we assist in placement in alternative living situations which are the least restrictive and in the most appropriate setting. She submitted amendments that the department recommends (EXHIBIT 5). She said the reason that SRS offers these amendments, the legislative subcommittee for SJR 34 expressed concern that the personal care bill be consistent with the medicaid waiver.

SHIRLEY THENNIS, representing the Montana Nurses' Association, said one of the gaps in the delivery of quality health care identified by the study commission was for personal care homes. Elderly and developmentally disabled are currently being kept in personal care homes that do not seem to meet any fire and safety codes or health care standards, and the state has not had any provisions in place to prevent this type of abuse from taking place. SENATE BILL 446 would set standards to help assure that residents in personal care homes are properly placed, reside in a safe structure, and receive a minimal amount of services (EXHIBIT 6).

BOB WALTERMIRE, Senior Citizens Advocate, Columbia Falls, Montana, said he doesn't want this amended so we are just warehousing people. I want to see that this bill, without any amendments, is taken care of.

ROSE SKOOGS, representing the Montana Health Care Association, addressed the amendments that were presented. The amendments offered as group consensus amendments were amendments that were taken back to the group that studied this legislation. Those amendments were agreed by that group. The amendments offered with respect to the building codes, she had no objection to. The amendments offered by SRS, she did have serious problems with and she strongly opposed that set of amendments. The first two amendments they offered dealing with rules being adopted in cooperation with SRS and also licensing standards being developed in cooperation with SRS--the group that studied that question felt very strongly that the Health Department was the proper place to put both of these functions. We did not want a situation where the funding agency would have so much involvement in rules and standards that licensing would be developed based on providing an inexpensive service rather than a safe service. The Health Department and not the funding agency should be developing these standards including the licensing. The next group of amendments (from the third on down to the bottom of the page) deals with one paragraph of the bill on page 2. That section currently reads, (line 6), "consistent with the provisions of section 2". That is the meat of the bill. It describes what a personal care resident is like: "consistent with section 2, a resident of a personal-care facility may have medical or nursing related services performed for him in a personal care facility by a third-party provider." The function of that provision was that a person in a personal care facility should be able to receive intermittent services. We felt like there would be no reason not to have that person have someone come in on a home-health basis. The group of amendments offered by SRS closes out the term "consistent with section 2". That wipes out the definition.

SRS is saying they don't need to be consistent with it. When it does that, it guts the definition. Once you eliminate that definition, you have tossed out the project almost entirely. The last amendment--I believe that Norma Vestre of SRS said that it was their intent that any screening process which occurs under this bill which the Health Department would be doing would not be applicable to SRS medicaid recipients. The Health Department needs to go into those facilities and if they find people there who cannot be cared for in these facilities, they have to be able to say, "This person does not belong here." SRS seems to be saying, "We screened them in and they stay here." She urged passage of the bill without the SRS amendments.

DON PETERSON, Montana Association of Home for the Aging, said we do support the bill in principle and feel it is necessary for Montana to develop regulations for personal care. We do have some concerns. First of all--the bill speaks of third-party providers. I think that needs clarifying. I do have some concerns about the amendments offered by SRS. I think we are creating another two headed monster and we would have two agencies trying to agree upon rules. I would also suggest that you not approve the amendment at the bottom of the page. On the second page of the amendments suggested by SRS, I would encourage you not to approve this amendment because this establishes dual standards and I think the screening process has to remain clear and this confuses the issue. We support the bill in principle and believe it is needed for Montana to have a clearer definition and clearer rules for personal care.

SAM RYAN, senior citizen, stood in support of SENATE BILL 446.

VEARLE ADDY, representing the Montana Health System Advocacy, supported this bill as presented by SENATOR THOMAS. He does not support the amendments offered by SRS.

GEORGE FENNER, Administrator of Health Services and Medical Facilities Division, Department of Health and Environmental Sciences, rose in support of the bill. The amendments presented by SENATOR THOMAS and the amendments offered by the Department of Administration we certainly agree to. The amendments offered by the Department of SRS--page 1, we do not object to but page 2, we strongly oppose. Prescreening of medicaid patients going into a residential or personal care home we believe is a responsibility of SRS. Once they become a resident, then the Department of Health and Environmental Sciences do their inspection and that is a plain investigation process and we believe that is a DHES responsibility.

LENORE TALIOFERRO, Ombudsman for Long-Term Care Facility Residents for the State of Montana, said this has been one area that has been almost impossible to address, investigate, resolve, or ensure safety of residents in this type of setting. SENATE BILL 446 would standardize and regulate this level of service. And, most importantly SENATE BILL 446 would provide for enforcement measures. She urged passage of this legislation (EXHIBIT 7).

DOUGLAS B. OLSON, Mt. Seniors' Advocacy Assistance, said they support this bill with the amendments agreed to by all groups that participated in the interim study. MSAA does not concur in any other amendments that may be offered. Rules to be adopted by SRS by adding "in cooperation" are actually setting up dual rulemaking authority. They would oppose that (EXHIBIT 8).

HOWARD SCHWARZ, Missoula County, said they are very concerned that the people who are in personal care homes in Missoula are taken care of. We believe this bill will go a long way in resolving this question. I think the home health waiver is important to ensure that whenever the transition comes, that the alternatives are fully available so people can get home health care.

OPPONENTS: None

SEN. THOMAS closed saying on page 2, line 9, establishing a definition of third party providers--we would like to solve that problem in that the Statement of Intent is broad enough to take care of it by administrative rule. We apologize for bringing in these two sets of amendments. The matter of the third amendment--the Committee took no position. We hope you will concur with this piece of legislation.

REP. WINSLOW will carry this piece of legislation on the House floor.

QUESTIONS:

REP. BROWN: Do you have a response to criticism of SRS amendments?

NORMA VESTRE: I would agree with Mr. Fenner and on page 2 of the handout--any individual who is a prospective resident--those are for people who are not in personal care facilities now. We would only want to screen those people coming in. We would agree with Mr. Fenner that once a person enters the facility, they should be screened by the Health Department. We are talking about people who are not in a personal care facility. Under the medicaid waiver, there is a prescreening

requirement. Regarding the first and second amendments--I can only say our attorneys reviewed the mandates of the medicaid waiver and the legislation and said that it appears that because the department is a medicaid agency, we cannot delegate authority. And that is the reason for inserting "in cooperation with the Department of SRS". We are not attempting to say we have more expertise than the Department of Health in health and safety of people. There is some indication that SRS is overly concerned about costs and that the medicaid waiver and offering amendments--that is done to save funds. The cost of care is secondary to wellbeing of person. We would not support anything that would lessen standard of care. The waiver does have standards. We must have standards for facilities. The waiver demands there must be a plan of care. This is developed by a physician. The doctor has a major role in deciding where a person should go. All that we are saying is that we want to have the waiver protected but there must be standards with the waiver. We are not attempting to downgrade any standard of quality of care. We did not intend to gut the bill. We want to make sure it does ensure service for third-party providers.

REP. FABREGA: What is the reaction to putting in "consultation" rather than "cooperation"?

NORMA VESTRE: I can only say they have reviewed it and offered that amendment.

REP. FABREGA: SRS has to conform to the waiver. If SRS certifies someone for care, that is when SRS gets involved with the funding?

NORMA VESTRE: Keep in mind that the Department of Health has a standard for personal care.

REP. FABREGA: Under this bill, the standards will be set up by the Department of Health and the licensing will be done by SRS?

NORMA VESTRE: No. The licensing will be done by the Department of Health.

REP. FABREGA: If the medicare waiver is under the control of SRS, when SRS grants that waiver then that individual can be qualified for one of the services. Why does SRS still need to be involved in this area?

NORMA VESTRE: SRS approves payment and pays for services for people who are qualified for medicaid. The intent of the waiver is to offer community based services so SRS would certify the person eligible for medicaid payments. We are concerned with quality care. That goes hand in hand with whether a person goes into a foster home or personal care facility.

REP. SOLBERG: I would like ROSE SKOOG to answer that question.

ROSE SKOOG: I disagree that medicaid regulations or the waiver require SRS to be involved with personal care licensing. The problem arises when SRS decides it would like to place someone in a personal care facility under the waiver but that person doesn't need personal care standards. That person requires more care so the Health Department might be in a position where it is saying that the safety of this person in the personal care facility is in question and SRS says "We want that person there". That is the point of the problem--when SRS wants to override the standards that the Health Department has set up. Our question is "What is a safe environment for a given type of patient? Does everybody need those standards?"

REP. FABREGA: You are saying, then, if SRS says the patient is qualified to go with this program--if they are involved, the Department of Health would be able to take only those uncertified. With the pressure from SRS, their input will be to lower those standards.

REP. CONNELLY: Why do you feel SRS wants to lower the standards?

ROSE SKOOG: As a funding agency, they have traditionally been more involved with the dollars than with the people. Let me give you an example--they are in here trying to protect their ability to put people in personal care homes under the waiver. Yet for a person to qualify for the waiver, you have to determine that that person is either intermediate or a skilled patient needing nursing home care. That tells me that they want to place an intermediate nursing home patient or a skilled nursing home patient in a personal care facility which doesn't meet the standards for providing that level of care.

REP. CONNELLY: Would you like to respond to that?

NORMA VESTRE: It is a federal regulation that in order to qualify for the waiver, you have to need intermediate or skilled nursing care. It is hard for me to hear that SRS would lower standards of care because, generally, we have never been accused of lowering standards. Most people are concerned about the high level of standards we have and how difficult it is to meet the standards.

REP. FABREGA: If we did not adopt your suggested amendments, what would happen.

NORMA VESTRE: It would provide problems for administration of the waiver. It would impair the department's ability to administer it.

REP. FABREGA: You think there is a possibility that without the amendments, there would be problems getting the waivers approved or what?

NORMA VESTRE: Not including the amendments would impair the department's ability to administer the waiver.

CHAIRMAN HART: Are you still of the opinion that these amendments would dilute the bill?

SHIRLEY THENNIS: Yes.

REP. FABREGA: Would the third party providers qualify for third party payments?

CHAIRMAN HART: A statement has been submitted to be included in the Statement of Intent. It reads: "While SB 446 prohibits direct provision of nursing services by the personal care or roominghouse/retirement home licensee, there is no intention to prevent those services from being delivered by any provider legally authorized to do so."

CHAIRMAN HART closed the hearing on SENATE BILL 446.

EXECUTIVE ACTION
SENATE BILL 418

SEN. JACOBSON, sponsor. This bill requires the Department of Health and Environmental Sciences to establish a program to provide treatment to persons suffering from chronic renal diseases.

REP. FARRIS: Moved that SENATE BILL 418 BE CONCURRED IN.

Amendments were presented and REP. BROWN moved that the amendments BE ACCEPTED.

REP. SOLBERG: The amendment can provide a termination date but I don't see anything on the amendment that does provide a termination date.

CHAIRMAN HART: Referred to Section 3. As soon as they adopt those rules, the termination date is effective.

Question was called and the motion to accept the amendments was voted on. The motion PASSED UNANIMOUSLY.

REP. FARRIS: Moved that SENATE BILL 418 BE CONCURRED IN AS AMENDED. The motion PASSED UNANIMOUSLY.

REP. KEENAN: Will carry SENATE BILL 418 on the House floor.

SENATE BILL 447

SEN. NORMAN, sponsor. This would require the Department of Health, Institutions, and SRS to provide "one-step" licensing for certain (typically health care) facilities. The bill also provides for the inspection of the facilities licensed by those departments.

REP. BROWN: Moved that SENATE BILL 447 BE CONCURRED IN.

The motion was voted and PASSED UNANIMOUSLY.

SENATE BILL 446

SEN. THOMAS, sponsor. This bill expands the definition of "personal-care facility", establishes criteria for such facilities residents, and provides for licensure of personal-care facilities.

REP. DRISCOLL: Moved that all of the amendments be accepted.

CHAIRMAN HART: DAVE BOHYER would like to look over the amendments. I think we should take some time and think about the amendments, sorting them out in our mind.

It was decided to hold this bill for one session.

SENATE BILL 193

SEN. CONOVER, sponsor. This bill provides that current medical practice must be referred to in determining standards for use of medication.

REP. KEYSER: Moved that SENATE BILL 193 BE CONCURRED IN.

REP. FABREGA: I have been trying to get in touch with someone from the Board of Visitors to try and get to the bottom of what is involved in this chain of words.

REP. KEYSER: I think we should act.

REP. FARRIS: From my notes, REP. DOZIER said "Nothing would change the doctors, no matter what we do with this bill. Doctors already have to work to be consistent with current medical practice. They have to take continuing education and they are subject to malpractice suits." Whether we change the bill to agree that that is what they already do or whether we leave it that the Food and Drug Administration sets up standards--for the doctors, they don't seem to care too much one way or the other.

VISITOR'S REGISTER

HOUSE

HUMAN SERVICES

COMMITTEE

BILL

SENATE BILL 446

DATE 3-16-83

SPONSOR

SENATOR THOMAS

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Tom Ryan	Helena	MSA	✓	
Maurice Powers	Whitehall	MSCA	✓	
Mary H. Powers	Whitehall	M.S.C.A.	✓	
W. James Kenkel	Helena	Building Codes Dept of Admin	Questions	
Paul Kelly	Helena	MN/FA	✓	
Univ. of Montana	Missoula	Mont. State Univ. System		
Shirley G. Loe	Helena	MN/FA	✓	
Ronald Peterson	Blgs	Mont. Assoc. of Homelegins	✓	
Steve Belmutter	Helena	DHES	✓	
Douglas B. Olson	Helena	Mt Seniors' Advoc Asst.	✓	
Lenore F. Taliaferro	Helena	Long Term Care Ombudsman	✓	
Kay Miller	Helena	self	✓	
WANE WILKINSON	"	LISCA	✓	
Howard Schwa	Missoula	Missoula County	✓	
Lamb Ryan	Helena	Mont. Jr. Citizens	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

AMENDMENTS TO SB446
(proposed by the Montana Technical Council)

Statement of Intent for Senate Bill No. 446

Page 1 Line 9

Following: "fees"

Strike: ", and in cooperation with other state agencies to adopt health
and safety standards, for personal-care facilities."

Insert: "."

Senate Bill No. 446

Page 3 Line 15

Strike: "(2) The department, in cooperation with other state agencies,
shall adopt health and safety standards for various types of personal-
care facilities."

Page 3 Line 18

Strike: "(3)"

Insert: "(2)"

AMENDMENTS TO SB-446
(group consensus)

1. Page 1, lines 15 and 16
Following: " "RETIREMENT HOME" "
Strike: "TO COMPLETELY EXCLUDE NURSING SERVICES"
2. Page 1, line 21
Following: "facility"
Insert: ", as defined in 50-5-101(20)(a)(iii),"
3. Page 10, line 1
Following: "than"
Strike: "three"
Insert: "four"
4. Page 10, line 13
Following: "~~skills~~"
Strike: "as provided in [sections 1 through 6]"
Insert: "which do not require nursing skills"
5. Page 14, line 6
Following: " "Roominghouse" "
Insert: " "Boardinghouse" "
6. Page 14, line 13
Following: line 12
Strike: "services"
Insert: "or personal care services provided by the facility"
7. Page 14, line 23
Following: line 22
Strike: "prohibited"
Insert: "or personal care services by the facility prohibited. (1) Hotels, motels, boardinghouses, roominghouses, or similar accommodations may not provide professional nursing services or personal care services. A resident of a hotel, motel, boardinghouse, roominghouse, or similar accommodation may have personal care, medical or nursing-related services provided for him in such facility by a third-party provider."
8. Page 15, line 2
Following: "~~(2)~~"
Insert: "(2)"
9. Page 15, line 6
Following: "appropriate"
Insert: "care or"

Montana Senior Citizens Assn., Inc.

WITH AFFILIATED CHAPTERS THROUGHOUT THE STATE

P.O. BOX 423 - HELENA, MONTANA 59624



(406) 443-5341

16 March 1983

TESTIMONY OF TOM RYAN OF THE MONTANA SENIOR CITIZENS ASSOCIATION AND THE MONTANA PEOPLES ASSOCIATION IN SUPPORT OF SB 446

Madame Chairman and and Members of the Committee,

I am Tom Ryan. I represent The Montana Senior Citizens Association and the Montana Peoples Association.

When Senator Thomas carried this legislation on the floor of the Senate, he said there would be amendments. I asked Senator Thomas yesterday his opinion of the amendments which came largely from two state agencies. From the answers I received, I believe that when this bill becomes law, it will ensure the health and welfare of seniors and other individuals in personal care ^{or other} settings.

Some seniors need care and would choose a level of care less intense than that provided by a nursing care facility. This bill would allow them to choose to remain in their homes or go to a facility of their choosing.

Senate Bill 70, which passed through both houses of the Legislature, will recognize Nurse practitioners as legal providers of professional services. The Workers Compensation and insurance companies will now be able to compensate Nurse practitioners for services rendered. This will allow for delivery of health services in more rural settings —

The Montana Senior Citizens Association supports Senate Bill 446. We believe personal care persons will benefit from the legal recognition of Nurse practitioners.

Montana Senior Citizens Association believes that Senate Bill 446 will:

1. assure that licenses meet applicable fire, sanitation, building and service statutes,
2. provide expeditious licensing,
3. set fees which cover the costs of inspection and patient screening and
4. include state agencies in the development of those rules which fall in their areas of expertise and responsibility.

A "Do Pass" recommendation by this committee will be another step towards bringing better services to the elderly and handicapped.

Montana Senior Citizens Assn., Inc.

WITH AFFILIATED CHAPTERS THROUGHOUT THE STATE

P.O. BOX 423 - HELENA, MONTANA 59624



(406) 443-5341

16 March 1983

TESTIMONY OF MAURICE POWERS OF THE MONTANA SENIOR CITIZENS ASSOCIATION AND THE MONTANA PEOPLES ASSOCIATION IN SUPPORT OF SENATE BILL 446.

I am Maurice Powers of Whitehall, and am a member of the Montana Senior Citizens Association. I am on the Board of Directors of the Montana Peoples Association and the ~~West~~ Montana Community Care.

Following the passage of Senate Joint Resolution 34 in the 47th Legislative Session, an interim committee did much research in order to come to the conclusions which Senator Thomas presented to you in the form of Senate Bill 446.

As a retired steel worker and a manager of a 16-apartment Senior Housing facility, I would like to see this bill become law.

I am concerned about the health and safety of senior citizens residing in less-than-adequate residential care settings. I am particularly in support of a screening process which will tell the senior just what kind of care will fulfill his or her needs.

I hope that after having given this bill and adequate hearing, you will give it a "Do Pass" vote.

Thank you very much, Madame Chairman and Members of this committee.

Lx
SB44

AMENDMENTS TO SB446 REQUESTED BY THE
DEPARTMENTS OF HEALTH AND ENVIRONMENTAL SCIENCES AND OF
SOCIAL AND REHABILITATION SERVICES

Page 2, line 17.

Following: "department"

Insert: ", in cooperation with the department of social and rehabilitation services,"

Page 3, line 12.

Following: "department"

Insert: ", in cooperation with the department of social and rehabilitation services,"

Page 2, lines 6 and 7.

Following: (2).

Strike: "Consistent with the provisions of [section 2], a resident"

Insert: "Residents"

Following: "of"

Strike: "a"

Following: "personal care"

Strike: "facility"

Insert: "facilities"

Page 2, line 8.

Following: "for"

Strike: "him"

Insert: "them"

Following: "in"

Strike: "a"

Page 2, line 9.

Following: "personal-care"

Strike: "facility"

Insert: "facilities"

Following: "by"

Strike: "a"

Following: "third-party"

Strike: "provider"

Insert: "providers. This includes residents who are recipients of medical services, as provided for under the authority of 53-6-111, and delivered by a home health agency, as defined in 50-5-101(15) or who are recipients of medical services, as provided for under the authority of 53-6-111 and (HB 424)."

Page 3, line 10.

Following: "resident"

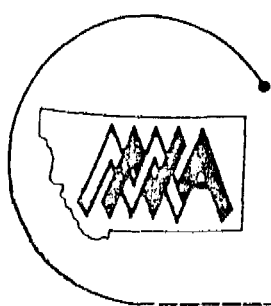
Strike: "."

Insert: ";

Page 3

Following: line 10.

Insert: "(3) Any individuals who are prospective residents of a personal care facility shall not be made subject to any level of care screening process as authorized in this section if those individuals are Medicaid recipients and therefore subject to Medicaid related screening, as provided for under the authority of 53-6-111, or as provided for under the authority of 53-6-111 and (HB 424).



Montana Nurses' Association

2001 ELEVENTH AVENUE

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

TESTIMONY ON SB-446

Madame Chairman, Committee members, my name is Shirley Thennis, representing the Montana Nurses' Association. I represented the MNA on the Study Commission established by SJR-34 to look into one-step licensure. One of the gaps in the delivery of quality health care identified by this group was for personal care homes. Elderly and developmentally disabled are currently being kept in personal care homes that do not seem to meet any fire and safety codes or health care standards, and the state has not had any provisions in place to prevent this type of abuse from taking place. Senate Bill 446 would set standards to help assure that residents in personal care homes are properly placed, reside in a safe structure, and receive a minimal amount of services.

With the introduction of the medical waiver (HB-424) by the Department of SRS, this bill has become even more important for the protection of medicaid recipients because the proposed waiver allows for placement in personal care homes. Without the strong definition of personal care home contained in SB-446, we are very concerned about the care that recipients of the medicaid-waiver will receive if placed in a personal care setting. We have met with SRS to discuss some Amendments they indicated they want to place on the bill to make it compatible with their medicaid waiver. It is our opinion that the bill is as compatible as it should be and to add their amendments as presented to us would only dilute the bill.

The bill in the statement of intent and again on page 3, lines 15 and 16, require that rules be developed in cooperation with other state agencies so that any provisions required by the medicaid-waiver will be addressed. The title of the bill and lines 3 and 4 on page 3 would allow for the screening process in the medicaid-waiver to be used for initial placement. After that, the Department of Health's screening process should be used to ensure that the residents in personal care homes are properly placed.

In summary, we ask that you support SB-446. In it's present form it represents months of work towards a consensus of a large group who worked hard to define personal care and set standards. Our first desire is to keep people in their own homes as long as possible. Personal care homes are a needed alternative for those who need some services they cannot receive in their own homes, but they should not become a substitute for people who need the skilled nursing care available in an long-term care facility.

I would like to thank the members of the Legislature for allowing me to participate in the study group and for listening to my testimony today.

WITNESS STATEMENT

Name Lenore F. Taliaferro Committee On Human Services
Address 1026 9th Ave Date 3/16/83
Representing Long Term Care Ombudsman Support ☒
Bill No. SB 446 Oppose ☐
Amend ☒

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Support SB 446 as a means to clean up a confusing situation that affects elderly/disabled in long term care settings - specifically "rooming/retirement/personal care."
2. Support amendments submitted as a consensus from task force who spent over a year developing the legislation. Those amendments submitted & introduced by Sen. Thomas.
3. The Ombudsman has responsibility to resolve complaints for these residents as a result of the Older Americans Act amendments of 1981. Of all complaints received, these have had no agency's ability to correct because of lack of enforcement & because current law has not really addressed this problem area. There are some existing facilities that are sub-human. Some are excellent. SB 446 would

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

standardize & regulate this level of service. And, most importantly, provide for enforcement measures. Please pass SB 446 w amendments as presented by Senator Thomas.

WITNESS STATEMENT

Name Douglas B. Olson Committee On Human Services
Address Helena Date 3-16-83
Representing Mt. Seniors' Advocacy Assistance ^(MSAA) Support ✓
Bill No. ^{SB} ~~HR~~ 446 Oppose _____
Amend w/ Group Amendments

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. MSAA worked with the interim legis. committee task force on STR 34 (1981 session); supports ~~HR~~ SB 446 with the amendments agreed to by all groups that participated in the interim study. MSAA does not concur in any
2. other amendments that may be offered.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Page 1 of 3

MR. **SPEAKER**

We, your committee on HUMAN SERVICES

SENATE 446
having had under consideration Bill No.

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A BILL FOR AN ACT ENTITLED "AN ACT CLARIFYING AND FURTHER DEFINING THE SERVICES TO BE PROVIDED BY PERSONAL-CARE FACILITIES; ESTABLISHING RESTRICTIONS ON ELIGIBILITY FOR RESIDENCY IN SUCH FACILITIES; REQUIRING THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES ESTABLISH BY RULE CERTAIN STANDARDS RELATING TO RESIDENT ADMISSION AND SCREENING; PROVIDING FOR LICENSING OF SUCH FACILITIES; PROVIDING FOR CIVIL AND CRIMINAL ENFORCEMENT; CLARIFYING THE DEFINITION OF "ROOMINGHOUSE" OR "RETIREMENT HOME" TO COMPLETELY EXCLUDE NURSING

~~XXXXXXXXXXXXXXXXXXXX~~.....~~XXXX~~
 SERVICES; AMENDING SECTIONS 50-5-101, 50-51-102, AND 50-51-107,
 MCA."

Respectfully report as follows: That SENATE Bill No. 446

See attached pages for amendments.

DECLASSIFIED

BE AMENDED AS FOLLOWS:

1. Statement of Intent

Page 1, line 9.

Following: "fees"

Strike: ", and in cooperation with other state agencies to
adopt health and safety standards for personal-
care facilities"

2. Statement of Intent

Page 1, line 25.

Following: "responsibility."

Insert: "While SB 446 prohibits direct provision of
nursing services by the personal care or rooming-
house/ retirement home licensee, there is no inten-
tion to prevent those services from being delivered
by any provider legally authorized to do so."

3. Page 1, lines 15 and 16.

Following: " "RETIREMENT HOME" "

Strike: "TO COMPLETELY EXCLUDE NURSING SERVICES"

4. Page 2, line 6.

Following: "(2)"

Insert: "(a)"

Following: "2]"

Insert: "and subsection (2)(b)"

5. Page 2.

Following: line 9.

Insert: "(b) Subsection (1)(a) applies only if the resident
is a recipient of medical services, as provided under
53-6-111, and delivered by a home health agency, as
defined in 50-5-101 or who is a recipient of medical
assistance as provided under 53-6-111 [and HB 424]."

6. Page 2, line 17.

Following: "shall"

Insert: ", in consultation with the department of social
and rehabilitation services,"

7. Page 3, line 12.

Following: "shall"

Insert: ", in consultation with the department of social and
rehabilitation services,"

8. Page 3, line 15.

Strike: "(2) The department, in cooperation with other
state agencies, shall adopt health and safety standards
for various types of personal-care facilities."

Renumber: subsequent subsection

9. Page 10, line 1.

Following: "than"

Strike: "three"

Insert: "four"

10. Page 10, line 13.

Following: "skills"

Strike: "as provided in [sections 1 through 6]"

Insert: "which do not require nursing skills"

11. Page 14, line 6.

Following: " "Roominghouse" "

Insert: " "Boardinghouse" "

12. Page 14, line 13.

Following: line 12

Strike: "services"

Insert: "or personal care services provided by the facility"

13. Page 14, line 23.

Following: line 22

Strike: "prohibited"

Insert: "or personal care services by the facility prohibited.

(1) ~~Hotels~~ motels, boardinghouses, roominghouses, or similar accommodations may not provide professional nursing services or personal care services. A resident of a hotel, motel, boardinghouse, roominghouse, or similar accommodation may have personal care, medical or nursing-related services provided for him in such facility by a third-party provider"

14. Page 15. line 2.

Following: "{2}"

Insert: "(2)"

15. Page 15. line 6.

Following: "appropriate"

Insert: "care or"

16. Page 15, line 9.

Following: line 8

Insert: "Section 10. Coordination instruction. If House Bill 424 is not passed and approved, the bracketed reference to HB 424 in section 1 is stricken."

Renumber: subsequent section

AND AS AMENDED
BE CONCURRED IN

SENATE BILL 208

SEN. JACOBSON, sponsor. This bill would provide for the licensure of hospice programs.

REP. DOZIER: Moved that SENATE BILL 208 BE CONCURRED IN.

The vote was taken and PASSED UNANIMOUSLY. REPS. DARKO and CONNELLY voted yes by proxy.

REP. JAN BROWN will carry SENATE BILL 208 on the House floor.

SENATE BILL 446

SEN. THOMAS, sponsor. This bill is an act clarifying and further defining the services to be provided by personal-care facilities and establishing restrictions on eligibility for residency in such facilities.

REP. FABREGA; Moved that the Committee RECONSIDER its action on SENATE BILL 446.

The motion was voted on and PASSED with REP. BRAND voting no.

REP. FABREGA: Moved that "consistent with the provisions of this act" be added to the insertion, page 1, line 25, following "responsibility".

REP. FABREGA: Moved to strike two amendments:

Page 2, line 6.

Following: "(2)"

Insert: "(a)"

Following: "2]"

Insert: "and subsection (2) (b)"

Page 2.

Following: line 9.

Insert: "(b) Subsection (1) (a) applies only if the resident is a recipient of medical services, as provided under 53-6-111, and delivered by a home health agency, as defined in 50-5-101 or who is a recipient of medical assistance as provided under 53-6-111 (and HB 424)."

Page 10

Minutes of the Meeting of the Human Services Committee
March 21, 1983

ROSE SKOOGS: What we have agreed to is eliminate page 2, subsection (2), lines 6-9 including the amendments that were added to that section. SRS's concern was they wanted to limit and consistent with part of it. If they limited it to section 1, would they have to be consistent with section 2. As we looked at the bill, we felt that what was in that position is reiterated down below describing rules that the Department of Health will promulgate. We felt that the concerns that subparagraph (2) were trying to address were already taken care of somewhere else.

REP. SWIFT: Is this in agreement with the Department of SRS?

JUDITH CARLSON: We agree.

JUDY OLSON, Nurses Association: We agree.

REP. FABREGA: Moved that the amendments be accepted.

The motion was voted on and PASSED UNANIMOUSLY.

REP. FABREGA: Moved that SENATE BILL 446 BE CONCURRED IN AS AMENDED.

The motion was voted on and PASSED UNANIMOUSLY.

SENATE BILL 150

SEN. STORY, sponsor. This bill would provide that for privately owned public swimming pools, no lifeguard is required if warning is given.

REP. DARKO: Moved to TABLE SENATE BILL 150.

The motion was voted on and PASSED with REPS. KEYSER, JONES, SOLBERG and SWIFT voting no.

SENATE BILL 193'

SEN. CONOVER, sponsor. This bill provides that current medical practice must be referred to in determining standards for use of medication.

It was the consensus of the Committee to LEAVE SENATE BILL 193 ON THE TABLE.

March 21, 1983

MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration SENATE Bill No. 446

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING AND FURTHER DEFINING THE SERVICES TO BE PROVIDED BY PERSONAL-CARE FACILITIES; ESTABLISHING RESTRICTIONS ON ELIGIBILITY FOR RESIDENCY IN SUCH FACILITIES; REQUIRING THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES ESTABLISH BY RULE CERTAIN STANDARDS RELATING TO RESIDENT ADMISSION AND SCREENING; PROVIDING FOR LICENSING OF SUCH FACILITIES; PROVIDING FOR CIVIL AND CRIMINAL ENFORCEMENT; CLARIFYING THE

By ~~SENATE~~ SENATE ~~REPORT~~ REPORT ~~BY~~ BY

DEFINITION OF "ROOMINGHOUSE" OR "RETIREMENT HOME" TO COMPLETELY EXCLUDE NURSING SERVICES; AMENDING SECTIONS 50-5-101, 50-51-102, AND 50-51-107, MCA."

Respectfully report as follows: That SENATE Bill No. 446

See following pages for amendments.

~~DEWAXX~~

BE AMENDED AS FOLLOWS:

1. Statement of Intent

Page 1, line 9.

Following: "fees"

Strike: ", and in cooperation with other state agencies to adopt health and safety standards for personal-care facilities"

2. Statement of Intent

Page 1, line 25.

Following: "responsibility."

Insert: "While SB 446 prohibits direct provision of nursing services by the personal care or roominghouse/retirement home licensee, there is no intent to prevent those services from being delivered by any provider legally authorized to do so, consistent with the provisions of this act."

3. Page 1, lines 15 and 16.

Following: " "RETIREMENT HOME" "

Strike: "TO COMPLETELY EXCLUDE NURSING SERVICES"

4. Page 2, line 17.

Following: "shall"

Insert: ", in consultation with the department of social and rehabilitation services,"

5. Page 3, line 12.

Following: "shall"

Insert: ", in consultation with the department of social and rehabilitation services,"

6. Page 3, line 15.

Strike: "(2) The Department, in cooperation with other state agencies, shall adopt health and safety standards for various types of personal-care facilities."

Renumber: subsequent subsection

7. Page 10, line 1.

Following: "than"

Strike: "three"

Insert: "four"

8. Page 10, line 13.

Following: "skills"

Strike: "as provided in [sections 1 through 6]"

Insert: "which do not require nursing skills"

9. Page 14, line 6.

Following: " "Roominghouse" "

Insert: " "Boardinghouse" "

10. Page 14, line 13.

Following: line 12

Strike: "services"

Insert: "or personal care services provided by the facility"

11. Page 14, line 23.

Following: line 22

Strike: "prohibited"

Insert: "or personal care services by the facility prohibited.

(1) Hotels, motels, boardinghouses, roominghouses, or similar accommodations may not provide professional nursing services or personal care services. A resident of a hotel, motel, boardinghouse, roominghouse, or similar accommodation may have personal care, medical or nursing-related services provided for him in such facility by a third-party provider"

12. Page 15, line 2.

Following: "{2}"

Insert: "(2)"

13. Page 15, line 6.

Following: "appropriate"

Insert: "care or"

14. Page 15, line 9.

Following: line 8

Insert: "Section 10. Coordination instruction. If House Bill 424 is not passed and approved, the bracketed reference to HB 424 in section 1 is stricken."

Renumber: subsequent section

AND AS AMENDED
BE CONCURRED IN